

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CONCELY DEL CARMEN MENDEZ
ROJAS, *et al.*,

Plaintiffs,

v.

CHAD F. WOLF, Acting Secretary of
Homeland Security, *et al.*,

Defendants.

Case No: 2:16-cv-01024-RSM

**ORDER ON JOINT MOTION FOR FINAL
APPROVAL OF SETTLEMENT
AGREEMENT**

ORDER ON JOINT MOTION
FOR APPROVAL OF SETTLEMENT
Case No. 2:16-cv-01024-RSM

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 2nd Avenue, Suite 400
Seattle, WA 98104
Telephone (206) 957-8611

This matter comes before the Court on the parties' joint motion for final approval of settlement. After having granted preliminary approval to the settlement, Dkt. 80, and after reviewing any comments or objections received from the public after notice was posted pursuant to the Court's order granting preliminary approval to the settlement, and after conducting a fairness hearing on November 4, 2020, the Court hereby approves the settlement agreement submitted by the parties to implement this Court's permanent injunction, Dkt. #64. In approving the settlement implementing the permanent injunction, this Court clarifies that it is adopting the modified definition of class membership, as proposed in the settlement agreement as follows:

Class A ("Credible Fear Class"): All individuals who were encountered by DHS upon arrival or within fourteen days of unlawful entry; were released by DHS after they have been found to have a credible fear of persecution or torture pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii) and 8 C.F.R. §§ 208.30, 1208.30, 1003.42; and did not receive individualized notice of the one-year deadline to file an asylum application as set forth in 8 U.S.C. § 1158(a)(2)(B).

A.I.: All individuals in Class A who *are not* in removal proceedings and who either (a) have not yet applied for asylum or (b) applied for asylum after one year of their last arrival.

A.II.: All individuals in Class A who *are* in removal proceedings and who either (a) have not yet applied for asylum or (b) applied for asylum after one year of their last arrival.

Class B ("Other Entrants Class"): All individuals who were encountered by DHS upon arrival or within fourteen days of unlawful entry; expressed a fear of return to their country of origin; were released by DHS upon issuance of an NTA; and did not receive individualized notice of the one-year deadline to file an asylum application set forth in 8 U.S.C. § 1158(a)(2)(B).

1 B.I.: All individuals in Class B who *are not* in removal proceedings and who
2 either (a) have not yet applied for asylum or (b) applied for asylum after
3 one year of their last arrival.

4 B.II.: All individuals in Class B who *are* in removal proceedings and who either
5 (a) have not yet applied for asylum or (b) applied for asylum after one year
6 of their last arrival.

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8 The Court hereby approves of the terms of the settlement agreement and the amended class
9 definitions.

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11 It is so ORDERED.

12 Dated this 4th day of November, 2020.

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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
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Jointly presented this 3rd day of November 2020 by:

s/Matt Adams

Matt Adams, WSBA No. 28287

Northwest Immigrant Rights Project
615 Second Avenue, Suite 400
Seattle, WA 98104
(206) 957-8611
(206) 587-4025 (fax)

s/Vicky Dobrin

Vicky Dobrin, WSBA No. 28554

s/Hilary Han

Hilary Han, WSBA No. 33754

Dobrin & Han, PC
705 Second Avenue, Suite 905
Seattle, WA 98104
(206) 448-3440
(206) 448-3466 (fax)

s/Mary Kenney

Mary Kenney, *pro hac vice*

s/Karolina Walters

Karolina Walters, *pro hac vice*

s/Trina Realmuto

Trina Realmuto, *pro hac vice*

s/ Kristin Macleod-Ball

Kristin Macleod-Ball, *pro hac vice*

American Immigration Council
1331 G Street, NW, Suite 200
Washington, D.C. 20005
(202) 507-7512
(202) 742-5619 (fax)

Counsel for Plaintiffs

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director

COLIN A. KISOR
Deputy Director

/s/ J. Max Weintraub

J. MAX WEINTRAUB
Senior Litigation Counsel
United States Department of Justice
Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 305-7551 (office)
(202) 305-7000 (fax)
jacob.weintraub@usdoj.gov

Counsel for Defendants